

REMARKS

Currently pending are independent claim 25, dependent claims 26-34, 36-40, and 50, independent claim 49, independent claim 51 and dependent claims 52-65. Claim 49 has been allowed.

The claims generally relate to a non-aqueous battery having an improved seal. The battery is formed of a unit cell having a plurality of electrodes and a plurality of electrode terminal leads, that extend outwardly from said unit cell; a sealant resin coating applied to the periphery of each terminal lead so that at least a portion of the coating has an uneven shape; and a battery case comprising a laminate layer that encloses said unit cell by heat welding at least a portion of said laminate layer so as to form a heat weld layer, where the heat weld layer sealingly encloses the unit cell by contacting the sealant resin so at least a portion of each of said electrode terminal leads extends outwardly from said heat weld layer.

Independent claim 25 has been amended to recite the embodiment previously recited in claim 35 -- the embodiment where the sealant resin comprises a sealant resin length that is greater than the thickness of the battery case. Independent claim 51 recites the embodiment where the battery case is formed from a single laminate film. Support for this amendment is found, *inter alia*, at page 6, line 26-page 7, line 1 and Fig. 1 of the specification. Therefore, it can be seen that no new matter has been added.

The examiner rejected claims 25-34 and 35-40 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,001,505 (the “505 patent”). Reconsideration is respectfully requested. Anticipation requires the disclosure in a single piece of prior art for each and every limitation of a claimed invention. *Apple Computer, Inc. v Articulate Systems, Inc.*, 234 F.3d 14 (Fed. Cir. 2000). The ‘505 patent does not disclose a non-aqueous battery where the sealant resin length is greater than a thickness of the battery case. As best seen in FIGs. 2 and 3, the sealant resin length is substantially shorter than the thickness of the battery case. Therefore, the ‘505 patent does not anticipate claims 25-34 and 36-40, so that these claims, along with claims 50-65 should be allowed.

Similarly, the examiner rejected claims 25-28 and 36-40 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,004,693 (the “693 patent”). Reconsideration is respectfully requested. The ‘693 patent does not disclose a non-aqueous battery where the sealant resin length that is greater than a thickness of the battery case. As best seen in FIGs. 2 and 3, the

W- see bottom part of case! w/ this 2 + 3!

Same

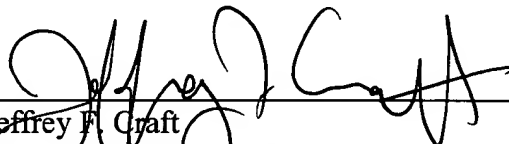
sealant resin length is substantially shorter than the thickness of the battery case. Therefore, the '693 patent does not anticipate claims 25-34 and 36-40, so that these claims, along with claims 50-65 should be allowed.

CONCLUSION

In light of the foregoing amendment and remarks, it is believed that the application is in condition for allowance, so that a prompt and favorable response is earnestly solicited.

Respectfully submitted,

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Date Elena Parise